

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Endowments – Land Acquisition – West Godavari District – Dwaraka Tirumala Village and Mandal, West Godavari District – Acquisition of land to an extent of Acs. 2.93 cents in Rs.No.50/1B, 50/6B, 51/1C for development of Sri Venkateswara Swamy Devasthanam, Dwaraka Tirumala, West Godavari District – Draft Notification under Section 4 (1) of the L.A. Act with 5A enquiry – Objections/additional objections raised during enquiry – Rejected – Instructions to proceed further with L.A process - Orders - Issued.

Revenue (Endowments.IV) Department

G.O. Ms. No. 125,

Dated: 06.03.2013.

Read the following:-

1. From the Collector, West Godavari District, Lr.Rc.No.G2/5211/2004, Dated 05.01.2012.
2. Govt. Memo No.8057/Endts.III/A2/2012, Dated 24.03.2012
3. From the District Collector, West Godavari District, Eluru, Roc.No.G2/5211/2004.
4. Proceedings Dated 15.5.2012 of the Screening Committee on Land Acquisition in C.No.10080/LA/A1/2012 of Revenue (LA) Dept.
5. G.O.Ms.No.436, Rev. (Endts.IV) Dept. Dt: 07.07.2012.
6. From the Collector, W.G. Dist., Eluru, Lr. No. G2/5211/2004 (Genl), dated. 13.10.2012.
7. From the JC & EO (FAC), Sri Venkateswara Swami Devasthanam, Dwaraka Tirumala, Lr. dt.29.01.2013.

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O R D E R:

The District Collector, West Godavari has submitted proposals in letters 1st and 3rd read above requesting for approval of the Draft Notification under Section 4 (1) of the Land Acquisition Act, 1894 with 5A enquiry, for acquisition of land to an extent of Acs.2.93 cents in R.S. Nos. 50/1B, 50/6B, 51/1C in Dwaraka Tirumala Village and Mandal, West Godavari District for the purpose of development of Sri Venkateswara Swamy Devasthanam, of Dwaraka Tirumala, West Godavari District.

2. The Revenue (LA) Department have communicated the approval of the Screening Committee for the said proposal in the reference 4th read above.

3. Government, after careful examination of the proposal, have accorded approval in the orders 5th read above and forwarded the Draft Notification Under section 4(1) of LA Act with 5A enquiry.

4. In the ref. 6th read above, the District Collector, West Godavari has reported that, pursuant to Government orders, the Revenue Divisional Officer, Eluru had issued 5A notification to the land owner Sri Bondada Suryanarayana directing him to attend before the L.A.O. & R.D.O., Eluru on or before 01.09.2012. The land owner has attended 5A enquiry through his advocate and filed objection petition before the L.A.O. & R.D.O., Eluru and also filed additional objections as per the directions of the Hon'ble High Court of A.P., Hyderabad dt. 01.09.2012 & 10.09.2012 respectively.

5. The **objections of Sri Bondada Suryanarayana** are as follows:

- i) The beneficiary took possession of Ac.32-01 cts. belonging to the objector's family, out of which Ac. 12.31cts. of the objector's family was acquired under the L.A. Act and the remaining extent by the private negotiations. Though a large extent of Ac.103.08 cts was acquired by the beneficiary Ac.4.00 only was put to use leaving the remaining extent. It is difficult to understand why such large extent was acquired without any necessity and the alleged public purpose is only a myth. The acquisition of the land of the objector's family repeatedly from 1980 onwards caused grave injury to the members of the family which is in violation of Art 14,21 & 300 A of the constitution of India and that having lost considerable land, the objector is now left with only Ac.2-93 cts, which is hardly sufficient for the maintenance of the family.

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ii) The Government is simply acquiring the lands of the objector without considering whether there is any public purpose or not and the acquisition is only motivated not for any bonafide purpose and it is only a colourable exercise of the power. The Devasthanam which is the beneficiary is already in possession of the vast extent of Ac.183-00 which is kept idle and there is absolutely no necessity or justification to acquire a further extent of Ac.2-60 cts belonging to a marginal farmer.

iii) The alleged public purpose is not clearly mentioned in the notification and the State Government is not very sure whether it is required now or in the future.

iv) The land acquired is diverted and transferred to private Trusts.

Further, Sri Bondada Suryanarayana has submitted the following additional objections:

a) The proposed acquisition is not valid as the 4 (1) Notification was not published in two widely circulated News papers as contemplated, under Law. Actually it has to be published both in English and also in Telugu. But both the Notifications were published in Telugu only.

b) The purpose mentioned in the 4(1) Notification is absolutely vague.

c) There is no such policy for providing employment as was done earlier, which was not adopted for providing employment.

d) The said acquired land has not been put to use so far and he has no other lands and if the proceedings allowed to become final he will have to become landless.

6. The Executive Officer, Sri Venkateswara Swamy Vari Devasthanam, Dwaraka Tirumala has stated that Sri Venkateswara Swamy Vari Devasthanam, Dwaraka Tirumala is an ancient temple situated in West Godavari District, popularly known as "Chinna Tirupati". In recent days, there is heavy flow of pilgrims from various parts of State of Andhra Pradesh. But, there is no sufficient infrastructure to provide amenities to the visiting pilgrims and further reported that the temple authorities are maintaining one Veda Patasala, Gosala, Oriental High School in Sanskrit, but sufficient buildings are not there to maintain the same and that it is undertaking Nitya Annadanam to the visiting pilgrims numbering to about 1000 per day on ordinary days, and 2000 per day on Saturdays, Sundays but sufficient accommodation does not exist to organize the same and that so many marriages are performed in the temple premises, for which the present infrastructure facilities are inadequate. Lot of congestion is faced in parking the vehicles also. In order to cater to the needs of pilgrim public, the Devasthanam has to provide more amenities such as accommodation, Kalyana Katta, Toilets, Mass Kalyana Mandapam Halls, Nitya Kalyana Mandapam, Prasadam Booking Counters, Bathing Ghats etc., in large scale, besides development of road, drains, footpath etc., for easy flow of vehicular traffic to ensure safety and security of pilgrim public as per master plan approved by the Commissioner, Endowments Department, Hyderabad. The present proceedings are intended to acquire land measuring Ac.2.93 cts covered by R.S.No.50/1B, 50/6B and 51/1 has fallen under alignment of its development since the entire surrounding land was already acquired and kept in utilization for the pilgrims and thus the above proposed land is essentially required which is part of Master Plan and hence the Land Acquisition process.

7. The reports of the Executive Officer, Sri Venkateswara Swamy Vari Devasthanam, Dwaraka Tirumala and the Tahsildar, Dwaraka Tirumala were submitted on the objections and additional objections put forth by the land owner.

The Executive Officer, Dwaraka Tirumala submitted that the contention of the land owner that authorities have acquired an extent of Ac.32.01 cts belonging to his family members, is invented. Actually only Ac.0.35 cts covered by R.S.No.51/1 was purchased from Sri Bondada Suryanarayana on payment of sale consideration and got it registered and utilized for public road purpose to cater to the needs of the pilgrims as well general public. It is incorrect to say that out of Ac.103.08 cts, only Ac.4.00

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cts was put to use. In fact, entire said extent was put to use by providing 120 rooms, Kalyana Mandapams, pilgrims waiting halls, marriage function halls, roads, drains, G.S.L.R. Tanks, parking lots etc., and certain extent is covered with hill slope under the possession of the Devasthanam. The proposed land measuring Ac.2.93 cts falls under alignment/Master Plan which is very much essential for the development and to provide amenities to pilgrim public keeping in view of the safety and security of the pilgrims. In the circumstances, the objection petition filed by Sri Bondada Suryanarayana is detrimental to the interest of the institution; causes obstruction to provide amenities and has no merit.

There is huge increase of pilgrims visiting the said Temple in recent days. But the Temple is not in a position to provide basic amenities, such as cottages, Kalayana Katta, queue lines, parking lots, Toilets, Kalayana Mandapam Halls, Nitya Annadana Mandapam, Goshala, Bathing ghats etc. Temple has undertaken to develop various infrastructures to cater to the needs of pilgrims public in a phased program and all the lands are required for its development as per the Master Plan approved by the CED. The proposed land of Ac.2.93 cts. is surrounded by the Devasthanam Land required for providing amenities to the pilgrims and there is no alternative except to acquire the said land.

The contention of Sri B. Suryanarayana that the alleged public purpose is not clearly mentioned in the notification and the State Govt. is not very sure whether it is required now or in the future etc., were denied as irrelevant, since the land is required for providing basic amenities to the visiting pilgrims.

As a part of development, all the cottages were constructed in the Devasthanam acquired land with hundred percent donations by the philanthropic donors including provision of amenities to pilgrims to cater to the needs of the pilgrim public by allotting required site. A.P. Tourism Development Corporation constructed building and named as "Haritha" for boarding and lodging of the visiting pilgrim public in an extent of one acre of Devasthanam land when there were no boarding facilities on the Seshachala Hill. The Tourism Development Corporation which is a state government undertaking built these types of boarding facilities in many important pilgrim centers to cater the needs of the pilgrim public.

The 4(1) notification was published in daily Telugu and English news papers in the Indian Express and Andhra Dairy Dt:24.07.2012 and 26.07.2012 respectively.

The proposed Land of Ac.2.93 cts. falls within the Master Plan approved by the Commissioner for Endowments for the development works of the temple; and the said land is required for public purpose, essentially for providing amenities to the visiting pilgrims of the subject temple as it is surrounded by the temple lands and part of the Master Plan.

The Executive Officer of the subject Devasthanam has further stated that the Govt. in Memo No.300006/ Endts.IV(2)/ 2004-05, Dt:12.04.2007 issued orders to provide employment to eligible family members from whose land was acquired as per the qualification as and when the ban is lifted. The appointment of Petitioner's son was considered and recommended to Commissioner of Endowments to accommodate in the Devasthanam. Accordingly, the CED has permitted to appoint the Petitioner's son as Attender on Contract basis. The Petitioner's son has also filed W.P.No.1547/2010 before the Hon'ble High Court with a prayer to consider his case for appointment as Record Assistant and the W.P. is pending. However, the petitioner's son was accommodated in the Devasthanam service as Attender on contract basis and has been rendering service in this Devasthanam since 2007.

Sri Bondada Suryanarayana had given an undertaking to handover the land in question measuring Ac. 2.93 Cts and given consent for developing his piece of land for the temple development works. The land belonging to the individual admeasuring Ac.2.93 cents is centrally located and the subject land

falls under alignment as per the master plan, totally surrounded by the Temple property, which is nearer to the Temple and very much essential to develop the land as per master plan keeping in view of ensuring safety and security of the pilgrims visiting the Devasthanam. As per report of the Tahsildar, Dwaraka Tirumala the petitioner is also having Ac.0.80 cts of land in R.S.No.86/1 of Kommugudem Village Wet paddy raised in the said land and the petitioner gets annual income of Rs.20,000/- approximately. The financial status of the petitioner and his family members is as below:

- The petitioner and his elder son namely Sri B. Ram Prasad are rendering services as "Service Dars" in Sri Swamy Vari Kalyana Katta and paid Rs.5/- per each ticket on hair cutting. Every month they get Rs.1200 to 1500 on an average towards selling hair cutting tickets;
- The Second son of the petitioner namely Sri B. Pavan Kumar was appointed as "Attender" on contract basis in Sri Venkateswara Swamy Vari Devasthanam Office, Dwaraka Tirumala and he is getting salary of Rs. 3, 850/- per month;
- The petitioner is having RCC building in an extent of Ac.0.05 cts in R.S.No.50 (D.No.1-35 vide assessment No.775) of Dwaraka Tirumala Village and he pays Rs.445/- as property tax;
- The petitioner is also having Ac.0.80 cts of land in R.S.No.86/1 of Kommugudem Village Wet paddy raised in the said land and the petitioner gets annual income of Rs.20,000/- approximately.

8. The Collector, West Godavari has stated that it is a General Land Acquisition, required for development of Sri Venkateswara Swamy Vari Devasthanam, Dwaraka Tirumala and that there is no effect to the livelihood of the petitioner. The proposed land is vacant and it is not used for cultivation. Hence, the petition deserves no consideration and therefore requested to issue 5A orders as per L.A. Act.

9. The E.O of the subject temple has submitted further report, in the reference 7th cited, stating that there is huge increase of pilgrims visiting the said Temple in recent days. But the Temple is not in a position to provide basic amenities, such as cottages, Kalayana Katta, queue lines, parking lots, Toilets, Kalayana Mandapam Halls, Nitya Annadana Mandapam, Goshala, Bathing ghats etc. The land belonging to the individual admeasuring Ac.2.93 cents is centrally located and the subject land falls under alignment as per the master plan, totally surrounded by the Temple property, which is nearer to the temple and very much essential to develop the land as per master plan besides ensuring safety and security of the pilgrims visiting the Devasthanam.

10. Government after careful examination of the objections/additional objections of the petitioner and the recommendations of the District Collector, West Godavari and further report of the Executive Officer, have observed that:

- (i) the proposed Land of Ac.2.93 cts. falls within the Master Plan approved by the CED for the development works of the temple;
- (ii) the said land is surrounded by Devasthanam lands and falls within the Master Plan and is invariably required for completion of developmental activities undertaken as per the Master Plan;
- (iii) due to delay in acquisition of this land the developmental works of the temple could not proceed as envisaged in the Master Plan;
- (iv) the land is required for public purpose, essentially for providing amenities to the visiting pilgrims of the subject temple; and
- (v) the proposed land is vacant and is not used for cultivation.

Keeping in view the public purpose of providing basic amenities to the pilgrims as

envisaged in the Master Plan proposed for the development of this pilgrim center, the objections raised by the individual do not deserve any consideration and accordingly rejected.

11. Accordingly, the Govt. hereby decided to acquire the land to an extent of AC.2.93 cts in Sy. No.50/1B, 50/6B, 51/1C for completion of developmental activities undertaken as per Master plan for providing basic amenities to the pilgrims and also to ensure the safety and security of the subject temple.

12. Therefore, the District Collector, West Godavari District, Eluru is hereby authorised to proceed further with the L.A. process for acquisition of land to an extent of Acs. 2.93 cents in Rs.No.50/1B, 50/6B, 51/1C for development of Sri Venkateswara Swamy Devasthanam, Dwaraka Tirumala, West Godavari District and take further action as per Sec. 6 of the Land Acquisition Act 1894, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G. GOPAL,
PRL. SECRETARY TO GOVERNMENT.

To
The Collector, West Godavari District, Eluru.
Sri Bondada Suryanarayana (Through the District Collector, W.G. District)
(The District Collector, West Godavari District is requested to serve the order & forward the acknowledgment to Govt. for record.)

Copy to:

The Commissioner of Endowments, Hyderabad.
The E.O., of Sri Venkateswara Swamy Devasthanam,
Dwaraka Tirumala, West Godavari District.
The Revenue Divisional Officer, Eluru, West Godavari District .
The Spl. Tahsildar, Land Acquisition, Revenue Division,
West Godavari District at Eluru (through Collector, West Godavari District)
O.S.D. to M (Endts.)
P.S. to Prl. Secretary to Govt.
Sf/SC.

// FORWARDED BY ORDER //

SECTION OFFICER.